

REMARKS

Claims 1-33 are presented for further examination. Claims 1, 10-13, 19, 24, 26, 27, 29, and 30 have been amended.

In the Office Action mailed May 2, 2008, the Examiner rejected claims 1-5, 8-15, 17, 18, and 26-32 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/0110653 ("Schafer '613"), U.S. Patent No. 2,230,010 ("Owens"), and Japanese Reference JP407205973 ("Hosoyamada et al."). Claims 6, 7, 16, 19-25, and 33 were rejected as obvious over Schafer '653, Owens, and Japanese Reference '973 and further in view of U.S. Patent No. 6,839,971 ("Schafer et al. '971").

Applicants respectfully disagree with the bases for the rejections and request reconsideration and further examination of the claims.

Claim 1, as amended, is directed to a device for use in measuring material that comprises a transparent substrate of rigid material having a plurality of lines formed thereon and a transparent, non-removable, liquid-applied UV cured coating on a working surface of the transparent substrate of rigid material to resist slipping of the device on the material to be measured.

Nowhere do Schafer '653, Owens, or Hosoyamada et al. teach or suggest a UV cured liquid-applied non-removable transparent coating on the working surface of a transparent ruler. The Owens reference teaches the application of rubber using adhesive to the working surface of a ruler. The Japanese reference teaches the application of a synthetic resin that is dried at room temperature (see paragraphs 38 and 48 of the machine translation accompanying this response).

In view of the foregoing, applicants respectfully submit that claims 1-9 are clearly allowable.

Claim 10 is directed to a method of making a device for use in measuring material that comprises providing a substrate of rigid material, forming a plurality of lines on a working surface of the substrate, and applying a non-removable, liquid transparent coating to at least a portion of the working surface to only cover the plurality of lines on the substrate to provide a non-slip bearing surface when placed on the material to be measured. Claim 11, which depends

from claim 10, recites the coating as covering the entire working surface and then dried using UV light.

Schafer '653 is completely silent as to applying the flexible sheet of removable static cling material to only cover the plurality of lines. Moreover, Schafer '653 is silent on the use of UV light to cure a liquid-applied non-slip bearing surface on the working surface of the ruler. Owens teaches the application of opaque rubber using an adhesive to a working surface of a ruler without suggesting only covering a plurality of lines on a transparent ruler or using a non-removable liquid transparent coating on the entire surface that is dried using UV light.

The Hosoyamada et al. Japanese reference describes applying a transparent synthetic resin layer that is air dried onto a cardboard box. Nowhere does Hosoyamada et al. teach or suggest applying a non-removable liquid transparent coating to only cover the plurality of lines on the substrate of a transparent ruler. In addition, there is no teaching or suggestion in Hosoyamada et al. of covering the entire working surface of a device for measuring material with a liquid-applied coating that is cured using UV light. Thus, the combination of Schafer '653, Owens, and Hosoyamada et al. fails to teach or suggest the combination recited in claims 10 and 11.

Claim 12 is directed to a method of making a device for use in measuring, marking, and cutting material that includes providing a transparent substrate having a plurality of composite lines formed of at least two lines of contrasting colors to enhance visibility of the composite lines and applying a transparent, non-removable, liquid substance on at least a portion of a surface of the transparent substrate to cover only one of the two lines of contrasting color to provide a non-slip surface. In this embodiment, the liquid-applied substance forms part of the composite line on the working surface of the transparent substrate. There is no teaching or suggestion in Schafer '653, Owens, or Hosoyamada et al. of covering only one of two lines of contrasting color of a composite line to provide a non-slip surface on the working surface of a transparent measuring device. Dependent claims 13-18 are allowable for the features recited therein as well as for the reasons why claim 12 is allowable. For example, claim 13 recites drawing the substance with UV light. There is no teaching or suggestion in any of the references cited and applied by the Examiner of using UV light in the combination recited therein.

Claim 19 is directed to a tool having a plurality of opaque lines and a plurality of composite lines with a transparent, non-removable, liquid-applied substance applied only over selected lines on the transparent substrate, the substance configured to resist slipping of the tool. As discussed above with respect to claim 10, there is no teaching or suggestion in any of the references cited and applied by the Examiner, taken alone or in any combination, of applying the substance only over selected lines on a transparent substrate to provide a non-slip surface. By using the liquid-applied substance in this manner, substantial savings in the amount of liquid required for use on the tool is achieved. Dependent claims 20-25 are allowable for the features recited therein as well as for the reasons why claim 19 is allowable. For example, claim 24 recites the substance mixed with pigment and applied as the second line over the first line on the transparent substrate to form the composite line.

Claim 26 is directed to a tool for measuring and marking material that includes the transparent substrate having composite lines formed thereon and a transparent, non-slip, non-removable liquid-applied substance applied on the transparent substrate only over at least one of the first and second lines to provide a non-slip surface that resists slipping of the transparent substrate on the material. Applicants respectfully submit that claim 26 is allowable for the reasons why claim 10 is allowable inasmuch as none of the references teach or suggest applying the non-slip material only over at least one of the first and second lines that form the composite line. Dependent claim 27 recites curing the non-slip substance using UV light. Applicants respectfully submit that claims 26-28 are in condition for allowance.

Claim 29 is directed to a tool for measuring and marking material that includes a transparent substrate, a plurality of lines formed on the substrate and a non-removable, liquid-applied substance having a high coefficient of friction to resist slipping applied to the transparent substrate to form at least one of the plurality of lines, the substance comprising a tackiness that is adapted to not attract dust or lint or the material. This is clearly inapposite to the teachings of Hosoyamada et al. which is attempting to attract the cardboard boxes to one another and hold them in position so that they do not fall when stacked. Applicants respectfully submit that claim 29 and dependent claims 30-33 are in condition for allowance.

Application No. 10/567,187
Reply to Office Action dated May 2, 2008

In view of the foregoing, applicants respectfully submit that all of the claims in this application are allowable. In the event the Examiner finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact applicants' undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/E. Russell Tarleton/
E. Russell Tarleton
Registration No. 31,800

ERT:alb

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1171150_1.DOC